

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO: 12178 of 2004**

Between:

P. Samba Murthy, @ Sambaiah, S/o. Suraiah,  
A.P. Transco, Mallikarjuna Colony, D.No. 16-214,  
Rajam, Srikakulam District.

**... PETITIONER**

AND

1. The Superintendent Engineer, Operation/Elec, APEPDCL.,  
Vizianagaram.
2. The Chief Engineer (Electricity) Visakhapatnam Zone,  
Visakhapatnam.
3. The Division Electrical Engineer, Operation, Vizianagaram.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus: 1) to declare the action of the respondents as illegal arbitrary & unconstitutional in withholding the increments of the petitioner from 1984 till date & consequently direct to release the same; 2) to declare the petitioner eligible for the benefit of automatic advancement scheme, from 1984 till date; 3) Call for the records and pass appropriate orders as this Court deems fit and proper.

**Counsel for the Petitioner:** Ms.R.Annapurna

**Counsel for the Respondent No.1 to 3:** Mr.M. Subba Rao, Standing Counsel for APEPDCL

**The Court at the admission stage made the following:**

**Oral Order:**

The petitioner is working as a Line Inspector under the respondent—company. He was imposed a punishment of stoppage of one increment without cumulative effect through the order dated 13-12-1983. The petitioner contends that subsequently he was not granted any pay revision till date from 1984 to 2004. He has been drawing the same pay since 1984. He was not given any benefit of automatic advancement scheme. The petitioner submits that the erstwhile A.P.State Electricity Board has issued a Memo No.DS(Reg)/DM(Reg)/PO.11/A1-275/97-1 dated 3-10-1997 to the effect that the automatic advancement scheme would be extended to persons who are punished with stoppage of increments without cumulative effect, therefore, he is entitled for the benefit of the said Memo. The petitioner further submits that he made several representations to pass appropriate orders in pursuance of the Memo dated 3-10-1987 of the APSEB, but so far the concerned authorities have not passed any orders on those representations. He therefore approached this Court seeking a direction to the respondents to pass appropriate orders for application of automatic advancement scheme to the petitioner in pursuance of the Memo dated 3-10-1987.

In the light of the circumstances explained by the petitioner, the respondents are directed to consider the case of the petitioner by virtue of the Memo No. DS(Reg)/DM(Reg)/PO.11/A1-275/97-1 dated 3-10-1997 of the APSEB and pass appropriate orders regarding the automatic advancement scheme by clarifying the same in terms of the existing rules within three (03) months from the date of receipt of this order and communicate the same to the petitioner.

With the above directions, the writ petition is disposed of at the admission stage.

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(Dr.G. Yethirajulu, J)

06<sup>th</sup> August 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintendent Engineer, Operation/Elec, APEPDCL.,  
Vizianagaram.
2. The Chief Engineer (Electricity) Visakhapatnam Zone,  
Visakhapatnam.
3. The Division Electrical Engineer, Operation, Vizianagaram.
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5. 2CD copies